

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1, 14, 21, and 23 have been amended herein, and claim 20 has been cancelled. No new matter has been introduced herein. Claims 1-19 and 21-32 are currently pending and believed to be in condition for allowance.

Rejections based on 35 U.S.C. § 103(a)

To establish a *prima facie* case of obviousness, the prior-art references must teach or suggest all the claim limitations. *See MPEP* § 2143. The teaching or suggestion, and the reasonable expectation of success must be found in the prior art and not be based on the Applicants' disclosure. MPEP § 2143 (referencing *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991)). Additionally, there must a reasonable expectation of success. *See MPEP* § 2143. The "teaching or suggestion" to make the claimed combination and the "reasonable expectation of success" must both be found in the prior art, not in the Applicants' disclosure. MPEP § 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Also, if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *See MPEP* § 2143.03; *see also, In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Claims 1-22 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious in view of the combination of U.S. Patent No. 7,093,296 to Nusser, et al. (Nusser), U.S. Publication No. 2005/0280853 to Newman et al. (Newman), and futher in view of U.S. Patent No. 7,080,058 Upadhyayula et al. (Upadhyayula). Similarly, claims 23-32 were rejected under § 103(a) in view of Nusser, Newman, and Upadhyayula—albeit, with Newman listed as the primary reference. Claim 20 has been canceled, rendering its rejection moot. In light of the

above amendments for the following reasons, claims 1-19 and 21-22 are not obvious in light of Nusser, Newman, and Upadhayayula.

Independent claims 1, 14, 21, and 24 each recite “a container configured to (1) store a plurality of color profiles . . . wherein each of the plurality of color profiles are editable by a generic text editor that is not specifically designed to edit color profiles specific to the container.” (emphasis added). The Specification supports the above negative limitation in ¶ 0060, among other places.

Applicants respectfully submit that none of the asserted references describe a container with “color profiles” that can be edited by text editor not specific to a particular color profile format. At best, Nusser describes using “XML as a parse-able mark-up language, other rights management languages such as TCL from ScriptX Corporation or a mark up [sic] language known as Policy Maker from AT&T corporation [sic], as well as equivalents.” *Nusser*, col. 4 lines 56-61 (emphasis added). But Nusser only describes using such languages to create objects with digital rights management (DRM) capabilities. *See Nusser*, col. 4, lines 23-55). Whereas, the above feature recites “color profiles” that are editable by a text editor.

Therefore, Applicants respectfully submit that the combination of Newman, Nusser, and Upadhayayula fails to obviate independent claims 1, 14, 21, and 24, as amended herein. Accordingly, the § 103(a) rejection of these claims is now moot. Furthermore, Applicants respectfully submit that dependent claims 2-13, 15-19, 22-23, and 25-32 are also not obvious in light of the asserted references based on their dependency from independent claims 1, 14, 21, and 24, as amended herein.

CONCLUSION

For at least the reasons stated above, claims 1-19 and 21-32 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned at 816-474-6550 or phoeller@shb.com (such communication via email is herein expressly granted).

Respectfully submitted,

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